

IN THE DRAWING:

The drawings are objected to under 37CFR 1.83(a).

Replacement sheets of the drawing are enclosed with the current response.

REMARKS

Reconsideration of the present application is respectfully requested. Claims 8-26 were pending. Claims 10-11, 13, 15-23, and 25-26 have been amended. New claims 27-30 have been added. No new matter has been introduced. No claims have been canceled. Claims 8-30 remain pending.

Claims 10-11 and 23 have been amended to remove minor informalities.

Objection to the Drawings

Examiner objected to the drawings for minor informalities. Specifically, the Examiner required showing the control message processor, the scheduler timer processor, and the scheduler authorization message processor in the drawings. Accordingly, Applicants have amended Figure 1 to illustrate the control message processor, the scheduler timer processor, and the scheduler authorization message (SAM) processor. Furthermore, description of the above components is added into the specification by amendment. Withdrawal of the objection is respectfully requested.

Furthermore, the Examiner objected to the drawings because the limitations in claims 25 and 26 were not illustrated in the drawings. Accordingly, Applicants have amended claims 25 and 26 to overcome the objection. Withdrawal of the objection is respectfully requested.

Objection to the Claims

Claims 13 and 15-22 are objected to for minor informalities. Accordingly, Applicants have amended claims 13 and 15-22 to overcome the objection. Withdrawal of the objection is respectfully requested.

35 U.S.C. § 103(a) Rejections

Claims 8-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Modiano et al. ("Design and analysis of an asynchronous WDM local area network using a master/slave scheduler", hereinafter "Modiano"). Applicants respectfully traverse the rejections.

Claim 8 sets forth:

transmitting a control packet over the control channel of the WDM network, the control packet specifying a first one of the plurality of nodes in the network as a source node, a second one of the plurality of nodes in the network as a destination node and ***a value which corresponds to an amount of information which the source node can transmit...***

(Claim 8; emphasis added)

As set forth in claim 8, the control packet as claimed specifies a value which corresponds to an amount of information which the source node can transmit. In contrast, Modiano fails to teach at least the above limitation of claim 8.

However, the Office Action alleged that the "slot" disclosed in Modiano corresponds to the amount of information, and thus, is analogous to the value as claimed (Office Action, p. 4, last paragraph). Applicants respectfully disagree with the Office Action.

According to Modiano, the "slot" is a ***fixed size slot of time*** (Modiano, p. 903, col. 1, last paragraph). Modiano does not disclose, suggest, or imply that the fixed size slot of time corresponds to the amount of information a source node can transmit. Furthermore, for the sake of argument, if the fixed size slot of time in Modiano corresponded to the amount of information as alleged in the Office Action, the amount of information a source node can transmit would have been *fixed*. However, Modiano does not disclose, suggest, or imply that the amount of information a source node can transmit is fixed. Therefore, Modiano does not teach a value which corresponds to an amount of information which the source node can transmit. For at least this reason, claim 8 is patentable over Modiano. Withdrawal of the rejection is respectfully requested.

For reasons similar to those discussed above with respect to claim 8, claim 23 is also patentable over Modiano. Withdrawal of the rejection is respectfully requested.

Claims 9-22 and 24-26 depend, directly or indirectly, from claims 8 and 23, respectively. Thus, having additional limitations, claims 9-22 and 24-26 are patentable over Modiano. Withdrawal of the rejection is respectfully requested.

New claim 27 has been added without introducing any new matter. Claim 27 indirectly depends from claim 23, and thus, is patentable over Modiano for at least the reason discussed above with respect to claim 23. Allowance of claim 27 is earnestly solicited.

For reasons similar to those discussed above with respect to claim 8, new claim 28 is also patentable over Modiano. New claims 29-30 depend, directly or indirectly,

from claim 28. Thus, having additional limitations, claims 29-30 are patentable over Modiano. Allowance of claims 28-30 is earnestly solicited.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited.

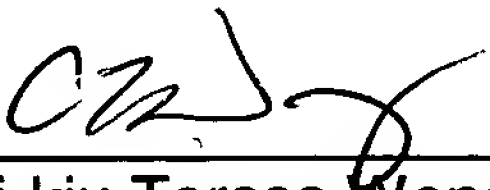
If the Examiner perceives any further obstacle to allowing the present application, he is invited to contact the undersigned at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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A circular black and white stamp. The outer ring contains the text "OIP E IAP 86" at the top and "PATENT & TRADEMARK OFFICE" at the bottom. In the center, the date "APR 27 2006" is stamped.

